

Monthly Determination of Employment Preference Cut-Off Dates

Each month, the Visa Office subdivides the annual preference and foreign state limitations specified by the INA into monthly allotments based on totals of documentarily qualified immigrant visa applicants reported at consular posts and CIS Offices, grouped by foreign state chargeability, preference category, and priority date. If there are sufficient numbers in a particular category to satisfy all reported documentarily qualified demand, the category is considered "Current." For example: If the monthly allocation target is 3,000 and there is only demand for 1,000 applicants, the category will be "Current". Whenever the total of documentarily qualified applicants in a category exceeds the supply of numbers available for allotment for the particular month, the category is considered to be "oversubscribed" and a visa availability cut-off date is established. The cut-off date is the priority date of the first documentarily qualified applicant who could not be accommodated for a visa number. For example: If the monthly target is 3,000 and there is demand for 8,000 applicants, then it would be necessary to establish a cut-off date so that only 3,000 numbers would be allocated. In this case, the cut-off would be the priority date of the 3,001st applicant.

The chart below shows the estimated total number of visas available for each employment preference category and country for fiscal year 2010.

Employment			
Preference	China	All Other Countries	Worldwide Limit
E1	2,987	2,987	42,672
E2	2,987	2,987	42,671
E3/EW	2,687*	2,987	42,671**
E4/SR	742	742	10,593
E5	41*	741	10,593
Total	9,444	10,444	149,200

*The provisions of the Chinese Student Protection Act require that the China annual limit be reduced by 1,000. A total of 300 numbers are deducted from the E3 category, and 700 from the E5 category.

**The EW category is currently entitled to no more than 5,000 of this total.

Unused numbers can "fall-down" from E1 to E2 to E3. Unused numbers can "fall-up" from E4 and E5 to E1. This is taken into consideration when setting monthly/annual targets for number use based on historical/recent patterns.

**Demand Data Used in the Determination
of the March 2010
Employment Preference Cut-Off Dates**

Employment Second Preference		
Cumulative Demand Prior To	China	India
CY-2006	2,650	10,150
CY-2007	10,550	28,450
CY-2008	16,150	37,350
CY-2010	16,250	37,450

Employment Third Preference					
Cumulative Demand Prior To	China	India	Mexico	Philippines	All Other Countries
CY-2002	50	1,050	0	0	100
CY-2003	400	8,900	250	150	1,050
CY-2004	3,100	20,800	900	900	6,000
CY-2005	5,250	35,150	2,000	2,100	12,500
CY-2006	6,650	44,450	3,100	5,900	27,600
CY-2007	7,850	55,300	4,400	17,600	47,450
CY-2010	8,400	59,400	5,050	20,000	55,350

Notes:

All totals are approximate values
Categories not listed are "current"
Data as of Jan. 30, 2010

